

FILED

JUN 29 2017

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES OF AMERICA,

CR-11-47-GF-BMM

Plaintiff,

vs.

KEVIN ALFRED GOBERT,

Defendant.

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 14, 2017. (Doc. 122.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 8, 2017. (Doc. 122 at 3.) Gobert admitted that he violated the conditions of his supervised release. The violations prove serious and warrant revocation of Gobert's supervised release. Judge Johnston has recommended that the Court revoke Gobert's supervised

release and commit Gobert to the custody of the Bureau of Prisons for four months on Count I and four months on Count II, to run concurrently. *Id.* Judge Johnston further has recommended that 38 months of supervised release on each count, to run concurrently, follow his custody period. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Gobert's violations of his conditions represent a serious breach of the Court's trust. A sentence custody of four months, followed by 38 months supervised release, on each count, to run concurrently, represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 122) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Kevin Alfred Gobert be sentenced to custody for four months, followed by 38 months of supervised release, on each count, to run concurrently.

DATED this 29th day of June, 2017.



Brian Morris
United States District Court Judge